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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/026,178	12/20/2001	John Joseph Sayovitz	14247	9478
23556	7590	10/19/2004	EXAMINER	
KIMBERLY-CLARK WORLDWIDE, INC. 401 NORTH LAKE STREET NEENAH, WI 54956			PURVIS, SUE A	
			ART UNIT	PAPER NUMBER
			1734	

DATE MAILED: 10/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/026,178

Applicant(s)

SAYOVITZ ET AL.

Examiner

Sue A. Purvis

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 21 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-12 and 14-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 14-17 is/are allowed.
- 6) ☒ Claim(s) 1-12 and 18-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

1. The indicated allowability of claims 22-25 is withdrawn in view of the newly discovered reference to Varona et al. (US Patent No. 6,673,980 B1). Rejections based on the newly cited reference follow.

#### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 4, 5, 10, 18, 22, and 23 are rejected under 35 U.S.C. 102(e) as being anticipated by Varona et al. '980 (US Patent No. 6,673,980 B1).

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

Varona '980 discloses a nonwoven web (112), the web is coated with a hydrophobic adhesive (35) first and creped, then creped with a hydrophilic adhesive on the opposing

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side. The web is disclosed as being with a web pattern of interfiber bonds. (Col. 9, lines 60-67; Col. 10, lines 1-64).

Regarding claim 4, Varona '980 shows placing the adhesive on the web prior to contact with the roll. (See Figure 4.)

Regarding claim 5, Varona '980 uses 'printing'.

Regarding claims 10, 19, and 23, Varona '980 uses a smooth roll in combination with the creping blade.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being obvious over Varona '980 as applied to claim 1 above, and further in view of Becker et al. (US Patent No. 4,158,594).

The applied reference has a common Varona '980 with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art only under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 103(a) might be overcome by: (1) a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not an invention "by another"; (2) a showing of a date of invention for the claimed subject matter of the application which corresponds to subject matter disclosed but not claimed in the reference, prior to the effective U.S. filing date of the reference under 37 CFR 1.131; or (3) an oath or declaration

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under 37 CFR 1.130 stating that the application and reference are currently owned by the same party and that the inventor named in the application is the prior inventor under 35 U.S.C. 104, together with a terminal disclaimer in accordance with 37 CFR 1.321(c). For applications filed on or after November 29, 1999, this rejection might also be overcome by showing that the subject matter of the reference and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person. See MPEP § 706.02(I)(1) and § 706.02(I)(2).

Varona '980 does not disclose placing the hot melt adhesive on the roll.

Becker discloses that the method of placing the adhesive on the fabric and the roll are both known in the art and are functionally equivalent alternative expedients. (Figures 2 and 3; Col. 7, lines 49-55.)

It would have been obvious to one having ordinary skill in the art at the time the invention was made to place the adhesive onto the roll rather than the fabric in Varona based on the teachings of Becker.

Regarding claim 3, printing, spraying, and dipping are all well known methods of placing creping adhesive on rollers.

6. Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Varona '980 in view of the Handbook of Adhesives and Sealants (hereinafter "Adhesive Handbook") and Modern Plastics Handbook (hereinafter "Plastics Handbook")

The applied reference has a common Varona '980 with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art only under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 103(a) might be overcome by: (1) a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not an invention "by another"; (2) a showing of a date of invention for the claimed subject matter of the application which

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corresponds to subject matter disclosed but not claimed in the reference, prior to the effective U.S. filing date of the reference under 37 CFR 1.131; or (3) an oath or declaration under 37 CFR 1.130 stating that the application and reference are currently owned by the same party and that the inventor named in the application is the prior inventor under 35 U.S.C. 104, together with a terminal disclaimer in accordance with 37 CFR 1.321(c). For applications filed on or after November 29, 1999, this rejection might also be overcome by showing that the subject matter of the reference and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person. See MPEP § 706.02(I)(1) and § 706.02(I)(2).

Varona '980 does not disclose at the melting point of the adhesive used. Applicant admits on page 13 of the specification that polyamide is a form of hydrophobic adhesive and Varona '980 includes polyamide as an example of a type of adhesive to use.

In the Adhesive Handbook, it is discussed that polyamide hot melt adhesives have lower melting points than the polyamides used for engineering plastics (nylon). It is also disclosed that they can be varied to provide hot melts of almost any desired temperature over a span of several hundred degrees. Table 10.20 which shows a general comparison of Hot-Melt Adhesives does not list a melting point, only a softening point of 100°C.

In the Plastics Handbook, Appendix C lists the important properties of plastics. Polyamides are shown to have a melting point between 125 and 300 °C depending on the type of polyamide.

It would have been obvious to one having ordinary skill in the art at the time the invention was made that a polyamide adhesive in Varona '980 has a melting point between 60 and 125 °C based on the teachings in Adhesive Handbook and Plastics Handbook. The Adhesive Handbook states that the polyamide adhesives have a lower melting point than polyamides in nylon form and the Plastics Handbook gives a melting point of various

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polyamides in nylon form which are slightly higher than the claimed range with only nylon-12 being in the claimed range. (See page C.27.) Based on the teachings in the Adhesive Handbook it is within the purview of the artisan to have the polyamide hot-melt adhesive be in the claimed melting point range, because the melting point range in the Plastics Handbook is only slightly above that claimed range.

7. Claims 8, 9, 11, 12, 20, 21, 24, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Varona '980 as applied to claim 1 above, and further in view of Anderson et al. (US Patent No. 6,315,864 B2).

The applied reference has a common Varona '980 with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art only under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 103(a) might be overcome by: (1) a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not an invention "by another"; (2) a showing of a date of invention for the claimed subject matter of the application which corresponds to subject matter disclosed but not claimed in the reference, prior to the effective U.S. filing date of the reference under 37 CFR 1.131; or (3) an oath or declaration under 37 CFR 1.130 stating that the application and reference are currently owned by the same party and that the inventor named in the application is the prior inventor under 35 U.S.C. 104, together with a terminal disclaimer in accordance with 37 CFR 1.321(c). For applications filed on or after November 29, 1999, this rejection might also be overcome by showing that the subject matter of the reference and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person. See MPEP § 706.02(I)(1) and § 706.02(I)(2).

Varona '980 teaches applying adhesive to both sides of the web and does not go into detail on what the weight percent of the adhesive would be when applied to both sides.

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Anderson teaches that the bonding agent is preferably in the range of 2 to about 10% by weight. (Col. 12, lines 45-46.)

It would have been obvious to one having ordinary skill in the art at the time the invention was made that the bonding agent for creping the web in Varona '980 would remain within the range claimed by the applicant, because it is within the purview of the artisan to keep the amount of adhesive on the second side in the same range as that applied to the first side. Furthermore, Anderson discloses a preferred range for total adhesive used.

Regarding claims 11, 12, 20, 21, 24, and 25, the creping cylinder in Varona '980 is a dryer roller, but there is no discussion of the temperature of the roller. Anderson teaches using a drum (60) which can be at ambient temperature or heated for partially drying the web. (Col. 11, lines 38-40). It would have been obvious to one having ordinary skill in the art at the time the invention was made that the temperature of the roll whether it be at ambient temperature or above ambient temperature is within the purview of the artisan, because Anderson teaches that controlling the temperature of the creping roller is known in the art.

***Allowable Subject Matter***

8. Claims 14-17 are allowed.
9. The following is an examiner's statement of reasons for allowance: Detailed in the previous Office Action dated 21 April 2004.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."



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***Response to Arguments***

10. Applicant's arguments with respect to the claims have been considered but are moot in view of the new grounds of rejection.

***Conclusion***

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sue A. Purvis whose telephone number is (571) 272-1236. The examiner can normally be reached on Monday through Friday 9am to 6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher A. Fiorilla can be reached on (571) 272-1187. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Sue A. Purvis  
Primary Examiner  
Art Unit 1734

SP  
October 15, 2004